

Joseph Downing #1261309  
Name and Inmate Booking Number

High Desert State Prison  
Place of Confinement

P.O. Box 650  
Mailing Address

Indian Springs, NV 89070  
City, State, Zip Code

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Joseph Downing,  
Plaintiff

vs.

- (1) STATE OF NEVADA,  
(2) NEVADA Department of Corrections,  
(3) High Desert State Prison,  
(4) H.D.S.P. Doctor/Physician,  
(5) SGT. VAL, H.D.S.P.,  
Defendant(s).

Case No. 2:22-CV-02175-CDS-EJ  
(To be supplied by Clerk of Court)

CIVIL RIGHTS COMPLAINT  
BY AN INMATE

- ☐ Original Complaint  
☒ First Amended Complaint  
☐ Second Amended Complaint

☒ Jury Trial Demanded

A. JURISDICTION

- 1) This Court has jurisdiction over this action pursuant to:  
☒ 28 U.S.C. § 1343(a)(3); 42 U.S.C. § 1983  
☐ 28 U.S.C. § 1331; *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971)  
☒ Other: NRS 41.0322
- 2) Institution/city where Plaintiff currently resides: High Desert State Prison
- 3) Institution/city where violation(s) occurred: High Desert State Prison / N.D.O.C.

**B. DEFENDANTS**

1. Name of first Defendant: JOHN DOE. The first Defendant is employed as:  
Governor at STATE OF NEVADA.  
(Position of Title) (Institution)
2. Name of second Defendant: JOHN DOE. The second Defendant is employed as:  
WARDEN at High Desert State Prison / N.D.O.  
(Position of Title) (Institution)
3. Name of third Defendant: JOHN/JANE DOE. The third Defendant is employed as:  
ASSOCIATE WARDEN at High Desert STATE Prison  
(Position of Title) (Institution)
4. Name of fourth Defendant: JOHN DOE. The fourth Defendant is employed as:  
Doctor / Physician at High Desert State Prison.  
(Position of Title) (Institution)
5. Name of fifth Defendant: SGT. VAL. The fifth Defendant is employed as:  
SGT. Corrections officer at High Desert State Prison.  
(Position of Title) (Institution)

If you name more than five Defendants, answer the questions listed above for each additional Defendant on a separate page.

**C. NATURE OF THE CASE**

Briefly state the background of your case.

On Sept. 27, 2022, I Arrived at HDSP. And told Medical About my Gout, Sleep Apnea, and TB (tuberculosis) Positive tests at CDC. and X-rays. NOTHING HAS BEEN DONE For my Sleep Apnea. Gout WAS Treated 4 weeks later in October 22. TB Was Finally treated 1/19/23 But took 4 months to get. On 12/12/22 - 12/16/22 I WAS MAN Down For Intestinal Bleeding, I WAS Admitted in HDSP Infirmary For 5 Days With Rectal Bleeding in my stool, I WAS NEVER EXAMINED By A Doctor or treated or given medicine For The Rectal Bleeding/while in The Infirmary/my Rectal Bleeding continues some days. And my Sleep Apnea is Worsening, I've Fallen out of my Top Bunk, Stopped Breathing, Passed out

## D. CAUSE(S) OF ACTION

## CLAIM 1 PAGE #1

1. State the constitutional or other federal civil right that was violated: H.D.S.P. HAS NO Medical/Infirm. Doctor/physician. My Medical Illness's Are Left Untreated.
2. Claim 1. Identify the issue involved. Check **only one**. State additional issues in separate claims.
 

<input type="checkbox"/> Basic necessities	<input checked="" type="checkbox"/> Medical care	<input type="checkbox"/> Mail
<input type="checkbox"/> Disciplinary proceedings	<input type="checkbox"/> Exercise of religion	<input type="checkbox"/> Property
<input type="checkbox"/> Access to the court	<input type="checkbox"/> Excessive force by officer	<input type="checkbox"/> Retaliation
<input type="checkbox"/> Threat to safety	<input type="checkbox"/> Other: _____	
3. Date(s) or date range of when the violation occurred: 9/27/22 - January 23, 2023 *and County*
4. Supporting Facts: State as briefly as possible the FACTS supporting Claim 1. Describe exactly what each specific defendant (by name) did to violate your rights. State the facts clearly in your own words without citing legal authority or argument.

ON 9/27/22 I came to H.D.S.P., I notified the H.D.S.P. Intake nurse about ~~my~~ existing/past medical illness's and my medical conditions, past and present. Current, Gout in my (L) knee, I was told I'd get a X-RAY on my knee, 3 weeks later I got it after swelling went down. For 3 weeks I could barely walk, I got no help or treatment or meds for 4-5 weeks, only IBUPROFEN which doesn't cure Gout. I notified the Intake nurse about my positive Tuberculosis tests the past 2.5 years at Clark County Detention Center. The nurse issued me a chest X-RAY, the TB test was positive, chest X-RAY was negative, the chest XRAY was given roughly 7 days or so later (roughly) However my Gout XRAY took 3 weeks (roughly) to be taken, not at the same time as my chest XRAY. The Fish tank Doctor/prescriber I saw in the middle of October/End of October did order me Gout medicine (Allopurinol) + (NAPROXEN) and diagnosed me with High Blood Pressure, 144/106 88 Beats a minute. I was prescribed Lisinopril, I received my KOP meds a week later End of October 2022 Finally, only for my Gout and High BP. My TB medicine was not given to me until 1/19/23, 4 months after arriving at HDSB. I also told



## CLAIM 2, PAGE #1

1. State the constitutional or other federal civil right that was violated: NO Hygiene, NO toothbrush, NO Kop medicine, NO TOWEL, NO Shower Hygiene, 1 Set of clothes.

2. Claim 2. Identify the issue involved. Check **only one**. State additional issues in separate claims.

☒ Basic necessities

☐ Medical care

☐ Mail

☐ Disciplinary proceedings

☐ Exercise of religion

☐ Property

☐ Access to the court

☐ Excessive force by officer

☐ Retaliation

☐ Threat to safety

☐ Other: \_\_\_\_\_

3. Date(s) or date range of when the violation occurred: 12/16/22 - 12/28/22

4. Supporting Facts: State as briefly as possible the FACTS supporting Claim 2. Describe exactly what each specific defendant (by name) did to violate your rights. State the facts clearly in your own words without citing legal authority or argument.

Upon Leaving the Infirmary on 12/16/22 I was placed in unit 12B cell #9. I was given 1 blue pants, 1 blue shirt, 1 T-shirt, 1 Boxer, 1 pair of socks, 2 sheets, a blanket and mattress. My property and basic necessities were never supplied to me until 12/28/22. I could not shower or brush my teeth for 12 days, I grieved multiple times to get my property and spoke with SGT. VAL in unit 12 multiple times and SGT VAL asked C/O West to get me a cup and spoon so I could have a eating and drinking utensil, I was never given a cup or spoon to eat for 12 days, or brush my teeth, because I was not given a toothbrush, that was on 12/27/22 and C/O West did not give me anything before his end of shift @ 1300hrs. On 12/27/22 AS SGT VAL ordered him too. On 12/28/22 I received my property finally and got a receipt, instead of HDSB sending me back to my old cell 4C-42, I was put in 12B #9, all my property was left in my old cell 4C-42 from 12/12/22 - 12/26/22, I was intentionally put in a new cell and unit after leaving the infirmary on 12/16/22 and left

## CLAIM 3

1. State the constitutional or other federal civil right that was violated: I Had NO Property For 12 Days, NO Legal mail, NO STAMPS, PAPER, Envelopes to Respond to Courts.

2. **Claim 3.** Identify the issue involved. Check only one. State additional issues in separate claims.

☐ Basic necessities

☐ Medical care

☐ Mail

☐ Disciplinary proceedings

☐ Exercise of religion

☐ Property

☒ Access to the court

☐ Excessive force by officer

☐ Retaliation

☐ Threat to safety

☐ Other: \_\_\_\_\_

3. Date(s) or date range of when the violation occurred: 12/16/22 - 12/28/22.

4. **Supporting Facts:** State as briefly as possible the FACTS supporting Claim 3. Describe exactly what each specific defendant (by name) did to violate your rights. State the facts clearly in your own words without citing legal authority or argument.

On 12/21/22 C/O SAINT Delivered me Legal mail From The Administrative Office of the Courts, West Pasco Judicial Center 7530 Little Rd. Suite #201, Newport Richey, FL 34654.  
In December on 12/5/22 The letter was postmarked, But I never Received it until 12/21/22, I had a 20 Day window to Respond From 12/5/22 IF I objected to the matter At Hand, Not only was my Legal mail not Delivered in A timely manner to me and took 16 Days. For HDSP to give me my mail, But At this time I had NO Property to Send A Response on 12/21/22 Because my PAPER, Envelopes, STAMPS etc... Were still in my old cell 4C-42 and I was in 12B9, my Property was given to me on 12-28-22, Which was past the 20 Day Deadline to Respond even if I wanted to I couldn't, I had NO Property, But on top of that HDSP took 16 Days to Deliver my Legal mail to me. I Brought these Issues up with SGT VAL and Caseworker Lopez multiple times along with C/O MOXA and C/O West, Nothing was Done to correct this mail/Legal mail Issue. At HDSP, A Letter from Florida From my mom still take 2-3 weeks.

If you assert more than three claims, answer the questions listed above for each additional claim on a separate page.

**E. PREVIOUS LAWSUITS**

1. Have you filed any other lawsuits while incarcerated? ☒ Yes ☐ No
2. Has this Court or any other court designated you as subject to "three strikes" under 28 U.S.C. § 1915(g)? ☐ Yes ☒ No
3. If you have "three strikes" under 28 U.S.C. § 1915(g), does this complaint demonstrate that you are "under imminent danger of serious physical injury?" ☐ Yes ☒ No

**F. REQUEST FOR RELIEF**

I believe I am entitled to the following relief: Medical treatment By A Doctor, A Sleep Study For my CPAP, A visit with A GastroIntestinalist For my Stomach/Rectal Bleeding, Treatment For my TB + Gout + High BP, A Second opinion at A Hospital (umc) or Specialists. For Meds to be Delivered in A timely manner, All Necessities, Soap, toothbrush ETC.. When ASKed, All mail Delivered in a 72hour timely manner MAX. \$500,000 Compensatory Damages, \$500,000 Punitive DAMAGES, All medical covered By HDSP. Sentence corrected to the 3-18 I was sentenced too, not O.M.D.'s 4-18yr. sentence.

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

\_\_\_\_\_  
(name of person who prepared or helped  
prepare this complaint if not the plaintiff)

  
(signature of plaintiff)

1/23/23  
(date)

**ADDITIONAL PAGES**

You must answer all questions concisely in the proper space on the form. Your complaint may not be more than 30 pages long. It is not necessary to attach exhibits or affidavits to the complaint or any amended complaint. Rather, the complaint or any amended complaint must sufficiently state the facts and claims without reference to exhibits or affidavits. If you need to file a complaint that is more than 30 pages long, you must file a motion seeking permission to exceed the page limit and explain the reasons that support the need to exceed 30 pages in length.



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## CLAIM #1

PAGE #2

## MEDICAL CARE

The HDSP Intake Nurse About my Severe Sleep Apnea, I told the Fish tank Doctor/prescriber About my Sleep Apnea Also and A Psychiatrist and I have 2 Medical Referrals For Sleep Apnea. I WAKE UP CHOKING and PASS out, I've Fainted, Fell, From my Bunk trying to Notify STAFF By Pushing my Cell Button, I Don't make it to the button Before I Faint or PASS out and When I Do Make it the C/O's Don't Respond. My Cellmates have Both Witnessed this, I've Grievanced and Notified Medical A Dozent Times At H.D.S.P., I've Filled out the STOP-BANG Sleep Apnea Questionnaire and 5-8 "yes" Answers on the STOP-BANG Sleep Apnea is High Risk, I Filled 2 out and GAVE one to ED in the Infirmary in December 2022 and He Weighed and measured my NECK to get Correct Answers and I Scored 7 out of 8 "yes" on the STOP-BANG, I Am Super High Risk with Multiple witness's That I Stop Breathing, CHoke and PASS out Due to Sleep Apnea. Sleep Apnea is A Medical Condition you can Die From and H.D.S.P. Refuses to treat me and Have A Sleep Study Done so I can get A CPAP MACHINE and Not Die From my Chronic Severe Sleep Apnea. I Am A Army Veteran and have a Claim In with the V.A. and Veteran EVALuation services Wants me to Do A Breathing test and will PAY for Everything So its Free to H.D.S.P., H.D.S.P. Medical Just has to Contact Veteran EVALuation services in Houston, TEXAS to

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## CLAIM #1

PAGE #3

## MEDICAL CARE

Schedule the Breathing test which will be Done in LAS Vegas or Any place Convenient For HDSP to bring me to Do the Breathing test/sleep study and its Free to HDSP Because I Am A Veteran and HDSP Refuses to Contact Veteran Evaluation Services and to treat my Sleep Apnea. On 12/12/22 I was Man Down For Rectal Bleeding that had Been going on For 3 Days. I put in 3 Emergency Grievances and on 12/12/22 <sup>@1700hrs</sup> I was Finally brought to the H.D.SP. Infirmary. I had my BLOOD Pressure Checked and was put in A Holding cell with only A toilet, NO WATER For "observation For 24 hours," I slept on A concrete bench And at Around APPROX. 0630-0700hrs I was moved to a 4 Shower CAGE in the BACK of the Infirmary with A Bench and 4 Shower STALLS, NO toilet, NO SINK, and When I had to Urinate, I had to Do so in a shower STALL. I was Left on the metal Bench For Roughly 8-10 hours and then I was moved to A Room with a hospital Bed, toilet and Sink that had been open since I Got to The Infirmary on 12/12/22 At APPROX. 1700hrs, I was Forced to be "observed" in A concrete holding TANK, A Shower, where I was NOT examined or Even had Access to Drinking WATER <sup>and</sup> or A toilet. I was not ASKED How I was Doing By Any medical STAFF After my BP was TAKen on 12/12/22 @1700hrs, until Wednesday Afternoon



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CLAIM #1

PAGE #4

MEDICAL CARE

When Nurse ED took my BP and Gave me IBUprofen on Wednesday 12/14/22 and I told him my Kop, High BP meds were out and my Gout meds which got Re-ordered, But only Delivered A Week After I Left the Infirmary on 12/16/22. I GAVE A Stool Sample with Blood in a U.A. Cup and Showed Nurse ED. I WAS Given A Colon CANCER test and Produced it to ED on 12/15/22 TO be sent to A LAB in Phoenix Arizona to Be tested For Colon Cancer. My Blood in my stool still Continued Even After I Left the Infirmary on 12/16/22, I NEVER SAW A Doctor, I NEVER SAW A Physician, my Blood in my stool was never Diagnosed, I WAS NOT X-RAYed For ulcers, or ultra-Sound EXAM, I WAS NEVER tested For Hemroids, ulcers, I WAS NEVER given stool Softeners which I ASKed For, IBUprofen 2X WAS All I got, And A Colon Cancer test which I've ASKed For the Results But NEVER Given, I Doubt it was Even sent to the LAB in Phoenix Arizona to be tested. I have Days still where my stool is Bloody and Red, my stool is Soaked A DARK Red and I AM PASSING RAZOR Blades it feels Like. I Have Prior Medical History of this, NO Release of Info for that hospital(s) were Done. I AM Left Bleeding and Un-treated, Just Left to Die and Suffer in Pain. I WAS Discharged on 12/16/22 from Hosp Infirmary, untreated

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CLAIM #2

PAGE #2

Basic Necessities

Without my Hygiene, Property and Basic Necessities, I was Never even given toilet PAPER until Saturday 12/17/22. I was Never given Soap to Shower. I wore the SAME Clothes for 12 DAYS, I had NO Laundry Bag or Soap to EVEN WASH my clothes, NO toothbrush, I was Deprived of BASIC Human Right Necessities. I went A week without my Kop High BP Meds; Gout Meds. My Kop were Refilled Finally Before I got my Property BACK, which had my Kop's. ON 1/23/23 my High Blood pressure medicine and NAProxen were NOT Refilled and I Had Gotten Dizzy, Limbs going numb and I Emergency Kited/Grievance TO Get my B.P. Meds Re-ordered When it is suppose to Be Automatic, I Kite EARLY to get my Refills Before it Runs out But Medical Never Responds to Kites, my High B.P. medicine was Reordered on 1/24/23 and I Received it on 1/29/23 and went 14 DAYS with out my Blood pressure medicine which is DANGEROUS and COULD kill me By taking them Then NOT Having them for 2 weeks when I Am Suppose to take it Daily, my NAProxen WAS NOT Refilled and it is Suppose to Be Automatic AS Well, the Refill on the RX LABEL on the pill BOTTLE SAYS Refill By 1/15/23 RX# 518997, NDC:68462-0190-05

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## CLAIM #4

PAGE #1.

HDSP Offender management / J.O.C. Error

On 9/27/22 I Arrived At HDSP, The Intake Case Worker JANE Doe Put my Judgement of Conviction in AS A 4-18 year Sentence. My Guilty Plea Agreement that I signed and was sentenced to By Judge Bluth on 9/6/22 was A Aggregated and Stipulated 3-18 year Sentence For Robbery and Att. Robbery. Offender management, Intake Caseworker JANE Doe, Put my J.O.C. AS A 4-18 year Sentence. On 12/5/22 I SAW Parole Board and was told that I had A 4-18 and come back in A year, I notified Unit 12 Caseworker Mr. Lopez and SGT VAL of the issue and Mr. Lopez told me that my Lawyer Emailed and called him with my J.O.C. and my Lawyer Also Emailed Offender management my J.O.C. and Probation and Parole my J.O.C. and still Nothing is Being Done to Fix my Sentence. Mr. Lopez never Did AS he said He would And Contact O.M.D. to Fix it, I've Kited the Warden, O.D, And The New Warden Brian Williams. I've Grievanced O.M.D. Several times and Nothing is Being Fixed so I can go to Parole AS my J.O.C. states my Parole Eligibility is April 2023.